ACT XXV OF 1867.

Notification by the Government of India, Foreign Department, Judicial, No. 176, dated Simla, the 12th September 1867.

His Excellency the Governor-General of India in Council is pleased to declare Acts XX of 1847* and XXV of 1867 (for the Regulation of Printing Presses, etc.), in force in the Province of Mysore.

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* For Act XX of 1847, *Vide supra.*

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ACT XXV OF 1867.

(RECEIVED THE GOVERNOR-GENERAL'S ASSENT ON THE 22ND MARCH 1867.)

An Act for the regulation of Printing Presses and Newspapers, for the preservation of copies of books printed in [a] *the Territories of Mysore,* [a] *and for the registration of such books.*

Whereas it is expedient to provide for the regulation of printing presses and of periodicals containing news, for the preservation [b] of copies of every book printed or lithographed in [a] the Territories of Mysore, [a] and for the registration of such books; It is hereby enacted as follows:— Preamble.

PART I.

PARLIMINARY.

[c]**1.** In this Act, unless there shall be something repugnant in the subject or context,— Interpretation clause

"book" includes every volume, part or division of a volume, and pamphlet, in any language and every sheet of music, map, chart or plan separately printed or lithographed; "Book."

"Magistrate" means any person exercising the full powers of a Magistrate [d]; 'Magistrate.'

words in the singular include the plural, and *vice versa*; Number.

words denoting the masculine gender include females. Gender.

2. [*Repeal of Act XI of 1835.*] *Repealed by Act I of 1894, s. 4.*

[a-a] These words in the Preamble were substituted for the original words by Act I of 1894, s. 2.

[b] The word "three" in the preamble, which was repealed by Act 94, s. 1, has been omitted.

[c] The interpretation clauses relating to "British India" and "Local Government" in s. 1 were repealed by Act I of 1894, s. 3.

[d] Certain words in the definition of "Magistrate" in s. 1, which were repealed by Act I of 1894, s. 3, have been omitted.

Sections 3—5.

PART II.

OF PRINTING PRESSES AND NEWSPAPERS.

Particulars to be printed on books and papers.

3. Every book or paper printed within [a] the Territories of Mysore [a] shall have printed legibly on it the name of the printer and the place of printing, and (if the book or paper be published), of the publisher and the place of publication.

Keeper of printing-press to make declaration.

4. No person shall, within [a] the territories of Mysore, [a] keep in his possession any press for the printing of books or papers, who shall not have made and subscribed the following declaration before the Magistrate within whose local jurisdiction such press may be:—

"I, *A B*, declare that I have a press for printing at——."

And this last blank shall be filled up with a true and precise description of the place where such press may be situate.

Rules as to publication of printed periodicals containing public news.

5. No printed periodical work, containing public news or comments on public news, shall be published in [a] the Territories of Mysore, [a] except in conformity with the rules hereinafter laid down:

(1) The printer and the publisher of every such periodical work shall appear before the Magistrate within whose local jurisdiction such work shall be published, and shall make and subscribe, in duplicate, the following declaration:—

"I, *A B*, declare that I am the printer [*or* publisher, *or* printer and publisher] of the periodical work entitled ——and printed [*or* published, *or* printed and published, *as the case may be*] at——."

And the last blank in this form of declaration shall be filled up with a true and precise account of the premises where the printing or publication is conducted:

(2) As often as the place of printing or publication is changed, a new declaration shall be necessary:

(3) As often as the printer or the publisher who shall have made such declaration as is aforesaid shall leave [a] the Territories of Mysore, [a] a new declaration from a printer or publisher resident within the said territories shall be necessary.

[a-a] These words in sections 3, 4 and 5 were substituted for the original words by Act I of 1894, s. 2.

Sections 6—8.

Authentication of declaration.

6. Each of the two originals of every declaration so made and subscribed as is aforesaid, shall be authenticated by the signature and official seal of the Magistrate before whom the said declaration shall have been made.

Deposit.

One of the said originals shall be deposited among the records of the office of the Magistrate, and the other shall be deposited among the records of the [a] Chief Court [a] or (b) other principal Civil Court of original jurisdiction for the place where (b) the said declaration shall have been made.

Inspection and supply of copies.

The officer in charge of each original shall allow any person to inspect that original on payment of a fee of one rupee, and shall give to any person applying a copy of the said declaration, attested by the seal of the Court which has the custody of the original, on payment of a fee of two rupees.

Office copy of declaration to be *prima facie* evidence.

7. In any legal proceeding whatever, as well civil as criminal, the production of a copy of such declaration as is aforesaid, attested by the seal of some Court empowered by this Act to have the custody of such declarations, shall be held (unless the contrary be proved) to be sufficient evidence, as against the person whose name shall be subscribed to such declaration, that the said person was printer or publisher, or printer and publisher (according as the words of the said declaration may be) of every portion of every periodical work whereof the title shall correspond with the title of the periodical work mentioned in the declaration.

New declaration by persons who have signed declaration and subsequently ceased to be printers or publishers.

8. Provided always that any person who may have subscribed any such declaration as is aforesaid, and who may subsequently cease to be the printer or publisher of the periodical work mentioned in such declaration, may appear before any Magistrate, and make and subscribe in duplicate the following declaration :—

"I, *A B* declare that I have ceased to be the printer [*or* publisher, *or* printer and publisher] of the periodical work entitled———."

Authentication and filing.

Each original of the latter declaration shall be authenticated by the signature and seal of the Magistrate before whom the said latter declaration shall have been made, and one original of the said latter declaration shall be filed along with each original of the former declaration.

Inspection and supply of copies.

The officer in charge of each original of the latter declaration shall allow any person applying to inspect that

[a-a, b-b,] These words in s. 6 were respectively substituted for the original words by Act I of 1894, s. 5.

Section 9.

original on payment of a fee of one rupee, and shall give to any person applying a copy of the said latter declaration, attested by the seal of the Court having custody of the original, on payment of a fee of two rupees.

Putting copy in evidence.

In all trials in which a copy, attested as is aforesaid, of the former declaration, shall have been put in evidence, it shall be lawful to put in evidence a copy, attested as is aforesaid, of the latter declaration, and the former declaration shall not be taken to be evidence that the declaration was, at any period subsequent to the date of the latter declaration printer or publisher of the periodical work therein mentioned.

PART III [a].

DELIVERY OF BOOKS.

Copies of books printed after commencement of Act to be delivered gratis to Government.

9. Printed or lithographed copies of the whole of every book which shall be printed or lithographed in the Territories of Mysore after this Act shall come into force, together with all maps, prints or other engravings belonging thereto, finished and coloured in the same manner as the best copies of the same, shall, notwithstanding any agreement (if the book be published) between the printer and publisher thereof, be delivered by the printer at such place and to such officer as the Government of Mysore shall, by notification in the official Gazette, from time to time direct, and free of expense to the Government of Mysore, as follows, that is to say :—

(*a*) in any case, within one calendar month after the day on which any such book shall first be delivered out of the press, one such copy, and,

(*b*) if within one calendar year from such day the Government of Mysore shall require the printer to deliver other such copies not exceeding two in number, then within one calendar month after the day on which any such requisition shall be made by the Government of Mysore on the printer, another such copy, or two other such copies, as the Government of Mysore may direct.

The copies so delivered being bound, sewed or stitched together and upon the best paper on which any copies of the book shall be printed or lithographed.

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[a] This part was substituted for the original Part III by Act I of 1894, s. 6.

Sections 10—14.

The publisher or other person employing the printer shall, at a reasonable time before the expiration of the said month, supply him with all maps, prints and engravings finished and coloured as aforesaid, which may be necessary to enable him to comply with the requirements aforesaid.

Nothing in the former part of this section shall apply to—

(*i*) any second or subsequent edition of a book in which edition no additions or alterations either in the letterpress or in the maps, prints or other engravings belonging to the book have been made, and a copy of the first or some preceding edition of which book has been delivered under this Act, or

(*ii*) any periodical work published in conformity with the rules laid down in section 5 of this Act.

Receipt for copies delivered under section 9.

10. The officer to whom a copy of a book is delivered under the last foregoing section shall give to the printer a receipt in writing therefor.

Disposal of copies delivered under section 9.

11. The copy delivered pursuant to clause (*a*) and the copies, if any, delivered pursuant to clause (*b*) of the first paragraph of section 9 of this Act shall be disposed of as the Government of Mysore shall from time to time determine.

PART IV.

PENALTIES.

Penalty for printing contrary to rule in section 3.

12. Whoever shall print or publish any book or paper otherwise than in conformity with the rule contained in section 3 of this Act shall, on conviction before a Magistrate, be punished by fine not exceeding five thousand rupees, or by simple imprisonment for a term not exceeding two years, or by both.

Penalty for keeping press without making declaration required by section 4.

13. Whoever shall keep in his possession any such press as aforesaid, without making such a declaration as is required by section 4 of this Act, shall, on conviction before a Magistrate, be punished by fine not exceeding five thousand rupees, or by simple imprisonment for a term not exceeding two years, or by both.

Punishment for making false statement.

14. Any person who shall, in making any declaration under the authority of this Act, make a statement which is false, and which he either knows or believes to be false, or does not believe to be true, shall, on conviction before a

Magistrate, be punished by fine not exceeding five thousand rupees, and imprisonment for a term not exceeding two years.

Penalty for printing or publishing periodicals without conforming to rules.

15. Whoever shall print or publish any such periodical work as is hereinbefore described, without conforming to the rules hereinbefore laid down, or whoever shall print or publish, or shall cause to be printed or published, any such periodical work, knowing that the said rules have not been observed with respect to that work, shall, on conviction before a Magistrate, be punished with fine not exceeding five thousand rupees, or imprisonment for a term not exceeding two years, or both.

Penalty for not delivering books or not supplying printer with maps.

[a] **16.** If any printer of any such book as is referred to in section 9 of this Act shall neglect to deliver copies of the same pursuant to that section, he shall for every such default forfeit to the Government of Mysore such sum not exceeding fifty rupees as a Magistrate having jurisdiction in the place where the book was printed may, on the application of the officer to whom the copies should have been delivered or of any person authorised by that officer in this behalf, determine to be in the circumstances a reasonable penalty for the default, and, in addition to such sum, such further sum as the Magistrate may determine to be the value of the copies which the printer ought to have delivered.

If any publisher or other person employing any such printer shall neglect to supply him, in the manner prescribed in the second paragraph of section 9 of this Act, with the maps, prints or engravings which may be necessary to enable him to comply with the provisions of that section, such publisher or other person shall for every such default forfeit to the Government of Mysore such sum not exceeding fifty rupees as such a Magistrate as aforesaid may, on such an application as aforesaid, determine to be in the circumstances a reasonable penalty for the default, and, in addition to such sum, such further sum as the Magistrate may determine to be the value of the maps, prints or engravings which such publisher or other person ought to have supplied.

Recovery of forfeitures and disposal thereof and of fines.

[a] **17.** Any sum forfeited to the Government of Mysore under the last foregoing section may be recovered, under the warrant of the Magistrate determining the sum, or of his successor in office, in the manner authorised by the Code of

[a-a] These sections were substituted for the original sections 16 and 17 by Act I of 1894, s. 7.

Section 18.

Criminal Procedure for the time beng in force, and within the period prescribed by the Indian Penal Code, for the levy of a fine.

All fines or forfeitures under this Part of this Act shall, when recovered, be disposed of as the Government of Mysore shall, from time to time, direct.

PART V.

REGISTRATION OF BOOKS.

Registration of memoranda of books.

18. There shall be kept at such office and by such officer as [a] the Government of Mysore [a] shall appoint in this behalf, a book to be called a Catalogue of Books printed in [a] the Territories of Mysore, [a] wherein shall be registered a memorandum of every book which shall have been delivered [b] pursuant to clause (*a*) of the first paragraph of section 9 [*b*] of this Act. Such memorandum shall (so far as may be practicable) contain the following particulars (that is to say):—

(1) the title of the book and the contents of the title-page, with a translation into English of such title and contents, when the same are not in the English language:
(2) the language in which the book is written:
(3) the name of the author, translator or editor of the book or any part thereof:
(4) the subject:
(5) the place of printing and the place of publication:
(6) the name or firm of the printer and the name or firm of the publisher:
(7) the date of issue from the press or of the publication:
(8) the number of sheets, leaves or pages:
(9) the size:
(10) the first, second or other number of the edition:
(11) the number of copies of which the edition consists:
(12) whether the book is printed or lithographed:

[a-a, b-b] These words, etc., in s. 18 were respectively substituted for the original words by Act I of 1894, sections 2 and 8.

Sections 19—23.

(13) the price at which the book is sold to the public: and

(14) the name and residence of the proprietor of the copyright or of any portion of such copyright.

Such memorandum shall be made and registered in the case of each book as soon as practicable after the delivery of the [a] copy thereof pursuant to clause (*a*) of the first paragraph of section 9 [a].

* * *

Publication of memoranda registered.

19. The memoranda registered during each quarter in the said Catalogue shall be published in the [b] official Gazette [b] as soon as may be after the end of such quarter. [c]

PART VI.

MISCELLANEOUS.

Power to make rules.

20. [d] The Government of Mysore [d] shall have power to make such rules as may be necessary or desirable for carrying out the objects of this Act, and from time to time to repeal, alter and add to such rules.

Publication.

All such rules, and all repeals and alterations thereof, and additions thereto, shall be published in the [b] official Gazette [b].

Power to exclude any class of books from operation of Act.

21. [d] The Government of Mysore [d] may, by notification in the [b] official Gazette, [b] exclude any class of books from the operation of the whole or any part or parts of this Act.

22. [*Continuance of parts of Act.*] *Repealed by Act I of* 1824, s. 4.

Commencement of Act.

23. This Act shall come into operation on the first day of July 1867.

[a-a] These words, etc., in s. 18 were respectively substituted for the original words by Act I of 1894, s. 8.

[*-*] ***These words in Section 18 were repealed by Section 31 of Act XI of 1933.

[b-b, d-d] These words in sections 19, 20 and 21 were respectively substituted for the original words by Act I of 1894, s. 2.

[c] Certain words in s. 19, repealed by Act I of 1894, s. 4, have been omitted.